

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.103A, 455B.105(3), and 455B.173, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

The proposed amendments to Chapter 64 reissue National Pollutant Discharge Elimination System (NPDES) General Permits Nos. 1, 2 and 3, which authorize the discharge of storm water. General Permits Nos. 1, 2 and 3 were last reissued in 2012 for a five-year duration and expire October 1, 2017. These amendments will renew all three permits, extending their coverage for another five years, to expire January 31, 2023. General permits for storm water discharges are required to be adopted by reference and are effective for no more than five years as specified in the Iowa Administrative Code.

No changes other than changes in dates and updates to Iowa Code and Iowa Administrative Code references are proposed for General Permit No. 1.

Several changes are proposed for General Permit No. 2 (GP2). These changes include updates to federal effluent requirements for construction and development point sources set out in 40 CFR §450.21. One of the federal requirements is that areas of sites where construction activity will not occur for 14 or more days must have stabilization measures initiated immediately. The current requirement in GP2 is that areas of sites where construction activity will not occur for 21 or more days must have stabilization measures initiated on those areas no later than 14 days after no construction activity has occurred on them. The proposed changes to GP2 will adopt the federal requirement regarding soil stabilization. Other than this soil stabilization requirement, all federal effluent requirements being added to GP2 are already found in various sections of the general permit though described using different verbiage. Other changes proposed for GP2 are clarifications of existing requirements and updates to Iowa Code and Iowa Administrative Code references.

The changes proposed for General Permit No. 3 are a clarification, added at the request of stakeholders, that explains an existing prohibition on the discharge of vehicle washwaters, changes in effective dates and updates to Iowa Code and Iowa Administrative Code references.

It is not the intent of the Commission that the textual changes in general permits be adopted in the Iowa Administrative Code but that these changes be made in the general permits themselves, which are adopted by reference into the Iowa Administrative Code.

Copies of the proposed revised general permits are available upon request from the Department of Natural Resources (Department) at the address or telephone number below.

Any interested party may make written comments on the proposed amendments on or before October 18, 2017. Written comments should be directed to Joe Griffin, Storm Water Coordinator, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319; e-mail joe.griffin@dnr.iowa.gov; or fax (515)725-8202. Persons who wish to convey their views orally should contact Mr. Griffin at (515)725-8417 or at the Department’s offices on the fifth floor of the Wallace State Office Building.

A public hearing will be held on October 10, 2017, from 2 to 3 p.m. at the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa, in the fifth floor conference rooms (5 East and West). At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend the public hearing and has special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of any specific needs.

After analysis and review of this rule making, these amendments are expected to have minimal or no effect on jobs and employment opportunities. The requirements of the proposed amendments can be achieved with minimal disruption in the operations that occur during development and construction. Moreover, these amendments are already required under federal law, and the state is required to adopt these standards for purposes of implementing the federal NPDES permit program. A copy of the Jobs Impact Statement is available upon request.

These amendments are intended to implement Iowa Code sections 455B.103A, 455B.105(3), 455B.173 and 455B.186.

The following amendments are proposed.

ITEM 1. Amend subrule 64.15(1) as follows:

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective ~~October 1, 2012~~ February 1, 2018, to ~~October 1, 2017, as amended on March 26, 2014~~ January 31, 2023. Facilities assigned Standard Industrial Classification 1442, 2951, or 3273, and those facilities assigned Standard Industrial Classification 1422 or 1423 which are engaged primarily in rock crushing are not eligible for coverage under General Permit No. 1.

ITEM 2. Amend subrule 64.15(2) as follows:

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective ~~October 1, 2012~~ February 1, 2018, to ~~October 1, 2017, as amended on August 12, 2015~~ January 31, 2023.

ITEM 3. Amend subrule 64.15(3) as follows:

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities, NPDES General Permit No. 3, effective ~~October 1, 2012~~ February 1, 2018, to ~~October 1, 2017, as amended on March 26, 2014~~ January 31, 2023. General Permit No. 3 authorizes storm water discharges from facilities primarily engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing Portland cement concrete and which are classified under Standard Industrial Classification 3273, those facilities assigned Standard Industrial Classification 1422 or 1423 which are primarily engaged in the crushing, grinding or pulverizing of limestone or granite, and construction sand and gravel facilities which are classified under Standard Industrial Classification 1442. General Permit No. 3 does not authorize the discharge of water resulting from dewatering activities at rock quarries.